

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,)
 Plaintiff,)
)
 v.)
)
JERRY WALKER)
 Defendant.)

**No. 96-cr-04
Judge J.P. Stadtmueller**

**DEFENDANT JERRY WALKER'S STATUS UPDATE AND EMERGENCY
MOTION FOR COMPASSIONATE RELEASE PURSUANT TO
SECTION 603 OF THE FIRST STEP ACT**

JERRY WALKER, by his attorneys MIANGEL CODY and CALYSSA ZELLARS, files this status motion in support of his First Step Act motion and supplemental motion for compassionate release pursuant to section 603 of the First Step Act. Briefly, we state as follows:

1. On November 18, 2020 Mr. Walker filed a motion for relief under Section 404 of the First Step Act, maintaining that his statutory penalties have changed since the passage of the Fair Sentencing Act. (ECF No. 621).
2. Mr. Walker has served 25 years in prison (300 months) with no notable history of disciplinary issues or infractions in over two decades of incarceration. His prison counselor describes him as “well-adjusted, rehabilitated and hard-working.”¹
3. On December 9, 2020 the Court issued an order outlining the briefing schedule for Mr. Walker’s First Step Act motion. The order provides that the government will

¹ Number of character letters and references were attached to Mr. Walker’s Motion for a Sentence Reduction, ECF No. 621.

have 14 days to respond to Mr. Walker's motion. Mr. Walker may reply within 14 days of the government's response. (Doc. 623).

4. On December 9, 2020 Mr. Walker's undersigned counsel was informed by BOP personnel of Mr. Walker's positive COVID-19 diagnosis. The risk for severe illness with COVID-19 increases with age.² At age 54 years old, Mr. Walker is predisposed to developing potentially serious, life threatening, and fatal complications as a result of contracting COVID-19.³
5. Currently, the BOP has confirmed cases at 127 out of 144 BOP facilities. Mr. Walker's facility, Pekin FCI, has one of the more severe and widespread outbreaks of the virus. As of December 15, 2020, 377 out of 947 incarcerated individuals are positive with COVID-19 at Pekin FCI. 13 staff members currently have positive diagnoses.⁴

CONCLUSION

Mr. Jerry Walker is eligible for a sentence reduction under Section 404(b) of the First Step Act. Mr. Walker's positive COVID-19 diagnosis has created more exigent circumstances for his immediate release. For this reason we additionally move for his compassionate release pursuant to Section 603 of the First Step Act.

² Centers for Disease Control and Prevention, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html> (last accessed December 15, 2020).

³ *Id.*

⁴ Federal Bureau of Prisons, *available at* <https://www.bop.gov/coronavirus/> (last accessed December 15, 2020).

Respectfully submitted,

BY:

/s/Calyssa Zellars
CALYSSA ZELLARS

/s/ MiAngel Cody
MIANGEL CODY

TDC LAW OFFICE
1325 S. Wabash Ave. Suite 305
Chicago, IL 60605

Counsel for Jerry Walker

CERTIFICATE OF SERVICE

The undersigned, Calyssa Zellars, an attorney with The Decarceration Collective hereby certifies that on December 15, 2020 I electronically filed the following with the Clerk of the Court using the CM/ECF system:

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/s/ Calyssa Zellars
CALYSSA ZELLARS

TDC LAW OFFICE
1325 S. Wabash Ave. Suite 305
Chicago, IL 60605

Counsel for Jerry Walker